U.S. Department of State Bureau of Educational and Cultural Affairs

OFFICE OF EXCHANGE COORDINATION AND DESIGNATION

CHECKLIST FOR PREPARING FORM DS-3036 NEW APPLICATION

This Checklist accompanies Form DS-3036¹, "Exchange Visitor Program Application." Each application is evaluated on its own merit. Please read the regulations (22 CFR Part 62)² prior to completing the application. Please answer all questions asked below and provide copies of all relevant documentation. If you need additional space, use plain white bond paper. Write N/A on the application if the question asked is not applicable and explain the reason(s) why it does not apply to your program proposal.

THE MOST RECENT AVAILABLE VERSION OF THE FEDERAL REGULATIONS GOVERNING THE EXCHANGE VISITOR PROGRAM MAY BE ACCESSED THROUGH OUR WEBSITE, AT: http://exchanges.state.gov/education/jexchanges/. SUBPART A includes regulations relevant to the administration of any exchange visitor program, regardless of category. SUBPART B includes regulations specific for each program category. SUBPART C includes regulations about extensions, transfers, change in category, and reinstatement. SUBPARTS D AND E include regulations about sanctions and termination/revocation of programs, respectively, AND MAY BE ACCESSED THROUGH THE ADMINISTRATION PAGE OF OUR WEBSITE.

<u>PLEASE FOLLOW THIS CHECKLIST</u>. Your completed application should be organized as outlined below. The submission of an incomplete DS-3036 will prevent the processing of the application until all information is received. An application which is significantly deficient will be returned for completion. If you submit pamphlets or other printed materials in response to specific questions, please identify the page on which the specific information can be found.

TEL: (202) 401-9810

FAX: (202) 401-9809

One copy of the completed application should be submitted to the Department at the following address:

U.S. Department of State
Bureau of Educational and Cultural Affairs
Office of Exchange Coordination and Designation
ECA/EC/ECD - State Annex 44, Room 734
301 Fourth Street, SW
Washington, DC 20547

¹ Form DS-3036, formerly Form IAP-37. ² 22 CFR 62, formerly 22 CFR 514

Item 1 -

Give the exact name and complete mailing address, including ZIP code, of the institution or organization submitting the application.

Item 2 -

Give the name and position title within the institution or organization of the person who will serve as the Responsible Officer (RO) for the Exchange Visitor Program. Also provide the telephone number, using the direct-dial number when possible, and a fax number and email address, if available. It is the applicant's responsibility to inform the Department of any change of Responsible Officer or pertinent contact information change(s) during the application process and thereafter, since considerable time is involved in processing applications. Failure to meet this requirement can result in discontinued consideration of the application and the necessity to reapply to the Department along with the required new application fee.

Item 3 -

Give the name and position title within the institution or organization of the person who will serve as the Alternate Responsible Officer (ARO) for the Exchange Visitor Program. Also provide the telephone number, using the direct-dial number when possible, and a fax number and email address, if available.

The Responsible Officer and Alternate Responsible Officer are the only officials allowed to sign the issued Form **DS-2019**³. They are also the only officials with whom this office conducts official business regarding a designated program. All communications originating from a designated program must be signed by the Responsible Officer or Alternate Responsible Officer.

Item 4 -

Check the Type of Application. **New applications require an accompanying fee of \$799.00, payable to "U.S. Department of State."** (22 CFR 62.90) This is a non-refundable processing fee.

³ Form DS-2019, formerly Form IAP-66

SECTION I - PROGRAM PARTICIPATION DATA

The Exchange Visitor Program regulations provide for specific categories for educational and cultural exchanges. Each of these categories has specific requirements, set forth in **22 CFR Part 62 Subpart B**. Secondary School Student (Category 1a), Trainee (Category 2), Camp Counselor (Category 11), Summer Work/Travel (Category 12), and Au Pair (Category 13) require separate applications.

Item 5 -

Indicate the proposed number of participants and the duration of participation for each selected category. The regulations (22 CFR 62.8) require sponsors other than the Federal Government, to have no less than five (5) exchange visitors per calendar year. The definition and allotted duration of participation for each category is as follows:

1. Student (62.23 and 62.25)

- a. Secondary school student (62.25) A separate application must be completed for this category. This category affords students an opportunity to study in a United States secondary school, while living with an American host family. The student must be (1) a secondary student in their home country who has not completed more than eleven years of primary and secondary schooling, excluding kindergarten, and (2) at least the age of 15 but not more than 18-1/2 years of age at the time of initial school enrollment, and has not previously participated as an exchange visitor for high school studies in the United States. Factors such as English language proficiency, maturity, character, and scholastic aptitude are critical. The duration of participation for secondary school students is a minimum of one academic semester and a maximum of one academic year.
- b. <u>College and University Students (62.23)</u> Exchange visitors in this category must be pursuing a full course of study at accredited post-secondary educational institutions in the United States. Academic training is permitted, if approved by the sponsor, but study must be the primary purpose of the exchange visitor's program in the United States. Students are eligible for participation when they are not substantially supported by personal funds and when they meet the funding requirements outlined in Item 6 (c), funding.

2. Trainee (62.22)

A separate application must be completed for this category. The Department of State (the Department) recognizes that training often occurs in a work place setting. However, there must be adequate safeguards to ensure that the training is bona fide, as opposed to employment. Generic training plans for each requested training occupation must be submitted with the application. Designated sponsors are required to ensure that individual training plans are prepared for selected trainees, and that continuous supervision and periodic evaluation is provided. Training is limited to occupational category or categories for which the sponsor has obtained the Department's designation. The duration of participation for trainees shall not exceed 18 months and flight training programs shall not exceed 24 months. Please note, while the regulations state that the maximum period of participation in the

Exchange Visitor Program for a trainee shall be for a total of 18 or 24 months (for flight training), a training program can be of any length, but shall not exceed 18 or 24 months, as appropriate. Please be aware that designation language for all designated "training" programs will reflect the actual time of training authorized by the Department in accordance with the generic training plans submitted by the designated sponsor. PLEASE SEE THE ADDENDUM AT THE END OF THIS CHECKLIST FOR FURTHER GUIDANCE IN COMPLETING AN APPLICATION FOR THIS CATEGORY.

3. Teacher (62.24)

This category is for individuals teaching full-time in a primary or secondary accredited educational institution. The teacher must satisfy the United States standards of the state in which he/she will teach, meet the qualifications for teaching in primary or secondary schools in his/her home country and have a minimum of three years of teaching or related professional experience. PROGRAM APPLICANTS FOR THIS CATEGORY MUST OBTAIN CLEARANCE FROM THE STATE DEPARTMENT OF EDUCATION FROM THE STATES WHERE FOREIGN TEACHERS WILL BE PLACED. COPIES OF THE APPROVAL LETTER(S) OBTAINED FROM THE STATE DEPARTMENT OF EDUCATION MUST BE INCLUDED IN THE APPLICATION. The duration of participation in this category shall not exceed three years.

4. Professor (62.20)

This category is for individuals who are involved primarily in teaching, lecturing, observing, or consulting at accredited post-secondary educational institutions, museums, libraries, or similar types of institutions. A professor may also conduct research, unless disallowed by the sponsor. The duration of participation for this category shall not exceed three years.

5. International Visitor (62.28)

This category is reserved for the United States Department of State use. International visitors are participants who are potential leaders or recognized leaders. The duration of participation for this category is one year.

6. Alien Physician (62.27)

This category is for foreign physicians seeking to pursue accredited graduate medical education or training in the United States:

Clinical Exchange Programs - The Educational Commission for Foreign Medical Graduates (ECFMG) is the only program sponsor authorized to use this category. This type of program is for alien physicians seeking to pursue graduate medical education or training conducted by accredited U.S. schools of medicine or specific institutions. Foreign physicians under this category must successfully complete examinations administered by ECFMG that measure their command of the medical sciences. Foreign physicians must be pursuing American medical board certification. All foreign physicians are subject to the two-year home-country physical present requirement. The duration of participation for this category is limited to seven years.

<u>PLEASE NOTE WELL</u>: The J visa does not provide for programs with hands-on or direct-patient contact, such as veterinarians, dentists or nurses, all of which involve highly specialized and complex clinical skills. Please contact the Immigration and Naturalization Service (INS) for alternative visas.

7. Government Visitor (62.29)

This category is reserved for use by federal, state, or local government agencies. Programs under this category are for participants who are recognized as influential or distinguished persons and who are selected by a federal, state, or local governmental agency to participate in observation tours, discussions, consultations, professional meetings, conferences, workshops, and travel. Duration of participation in this category shall not exceed 18 months.

8. Research Scholar (62.20)

Research scholars primarily conduct research, observe, or consult in connection with a research project at research institutions, corporate research facilities, museums, libraries, accredited post-secondary educational institutions, or similar types of institutions. The research scholar may also teach and lecture -- unless disallowed by the sponsor -- provided that these activities are incidental and do not extend the period of participation beyond the three year maximum duration. The duration of participation in this category shall not exceed three years

9. Short-term Scholar (62.21)

A short-term scholar is a professor, research scholar, or person with similar education or accomplishments coming to the United States on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, accredited post-secondary educational institutions, or similar types of institutions. The duration of participation in this category is not to exceed six months.

10. Specialist (62.26)

This category is for a participant who is "an expert in a field of specialized knowledge or skills who will demonstrate such skills in the United States." Such exchanges are primarily non-academic and provide opportunities to increase the exchange of knowledge and ideas between American and foreign specialists. **Participation in this category shall not exceed one year.**

11. Camp Counselor (62.30)

A separate application must be completed for this category. This category is to facilitate the entry of foreign nationals to serve as counselors in United States summer camps during the U.S. summer. Under no circumstances shall sponsors facilitate the entry into the United States of a participant for whom a camp placement has not been pre-arranged. The duration of this program shall not exceed four months.

12. Summer Work/Travel (62.32)

A separate application must be completed for this category. This program is designed to achieve the educational objectives of international exchange by involving university students during their summer vacations directly in the daily life of the host country through travel and temporary employment opportunities. The duration of this program shall not exceed four months.

13. Au Pair (62.31)

A separate application must be completed for this category. Public Law 105-48, dated October 1997, permanently designated the Au Pair Program to be administered by the United States Information Agency. On October 1, 1999, USIA was consolidated into the United States Department of State, and now falls within its jurisdiction. The Au Pair Program is designed to permit foreign nationals the opportunity to live with an American host family and participate directly in the home life of the host family while providing limited child care services. The au pair participant is also required to enroll in an accredited U.S. post-secondary educational institution for not less than six hours of academic credit or its equivalent. The duration of this program shall not exceed one year.

PROGRAM REQUIREMENTS

To be eligible for designation as a sponsor, an organization must demonstrate, to the satisfaction of the Department of State, its ability to comply and remain in continual compliance with all provisions of 22 CFR Part 62 and to meet at all times its financial obligations and responsibilities attendant to successful sponsorship of its exchange program. Please see 22 CFR 62.3(b) and 22 CFR 62.5(b) of the regulations. Also, with a presentation of an application to the Department, it is expected that the organization is fully prepared to begin the administration of the program upon designation from the Department. (PLEASE NOTE "Additional Documentation and Information to be Forwarded" on Page 9.)

Item 6

Program Administration (62.10): Method of Selection and arrangements for financial support of exchange visitors while in the United States

a. Selection of Exchange Visitors (62.10(a))

Describe the screening and selection process for each category checked in Item 5 above. Answer all of the following questions for each category requested. For example, if you checked the "student" and "research scholar" categories, please answer the six questions below for each category:

- 1. How and by whom are the participants selected?
- 2. What criteria are used in the selection process?
- 3. If the participant is being admitted to an educational institution, what are the admission requirements?
- 4. How much previous education or training is required of the participants?
- 5. Participants are required to possess a sufficient proficiency in the English language to enable them to participate in their program and to function effectively in an English-speaking environment. What method is used to test English language competency of the participant?
- 6. Will English language training be a part of the program?

<u>Secondary School Programs</u>: In addition, provide a copy of your organization's student application for the prospective exchange visitor program.

b. **Program Costs/Fees and Deposits/Refunds**

1. Provide all costs/fees charged to the participants, such as: administrative costs, room and board, transportation, insurance, salary, etc.

<u>Secondary School Programs</u>: In addition, provide all costs/fees charged to the participants by your organization's foreign partners.

- 2. What other costs will the participants likely incur (i.e. living expenses) while in the United Sates?
- 3. When and for what reason(s) can a participant cancel or withdraw from the program and receive a refund of program fees?
- 4. Are participants required to make a deposit in connection with program application or participation?
- 5. If yes, when and how is refund of deposit made in the event of program cancellation?

c. Program Funding/Financial Support

- 1. How much financial support is provided by the organization or other sources to the participant?
- Does your organization receive funding directly or indirectly, for the sole purpose of furthering international educational and cultural exchanges from any of the following:
 - a. U.S. Government or foreign government;
 - b. An international organization (such as the United Nations) that receives funds from the U.S. Government or a foreign government;
 - c. A private institution or organization that receives funds from the U.S. Government or a foreign government.
- 3. Will the participant be required to work outside of the original program objective in order to meet expenses? Please fully explain.

d. Health care insurance (62.14)

Each exchange visitor, the accompanying spouse and/or dependents are required to have health insurance in effect which covers the visitor for sickness and accident during the period of participation in the program. Please provide information on how your organization will comply with the Exchange Visitor Program insurance regulations (62.14) that include: at least \$50,000 per accident/illness; \$7,500 for repatriation coverage; \$10,000 for medical evacuation coverage; and a deductible not to exceed \$500 for accident/illness. Additionally, please confirm that the insurance company to be used by your organization meets the requisite "rating" as sated at 62.14(c). If the sponsor is insuring the participants, please provide a copy of the policy and/or brochure, including exclusions and the rating of the policy.

e. Orientation (62.10)

Please briefly explain the orientation to be provided upon entry into the United States and the cross-cultural activities planned for the exchange visitor (and his/her immediate family, if applicable).

Pre-Arrival Information:

- 1. The purpose of the Exchange Visitor Program
- 2. Home-country physical presence requirement
- 3. Travel and entry into the United States
- 4. Housing
- 5. Fees payable to the sponsor
- 6. Other costs that the exchange visitor will likely incur (e.g. living expenses) while in the United States
- 7. Health care and insurance
- 8. Other information that will assist exchange visitors to prepare for their stay in the United States

Arrival Orientation:

- 1. Life and customs in the United States
- 2. Local community resources (e.g. public transportation, medical centers, schools, libraries, recreation centers, and banks) to the extent possible
- 3. Available health care, emergency assistance, and insurance coverage
- 4. A description of the program in which the exchange visitor is participating
- 5. Rules that exchange visitors are required to follow under the sponsor's program
- 6. Address of the sponsor and the name, telephone number of the responsible officer
- Address and telephone number of the Office of Exchange Coordination and Designation of the Department and a copy of the Exchange Visitor Program welcome brochure outlining some of the major requirements of the Exchange Visitor Program.

<u>Secondary School Programs</u>: Include information regarding orientation to be provided to secondary school students and their host families, prior to the students' departure from their home countries and after students have arrived in the U.S. (62.25(g) and 62.25(d)).

f. Consortium

If the program is a consortium (62.2), please provide a list of its members and indicate the institution/organization that will have primary responsibility. Include letters from the members agreeing to participate in the consortium clearly indicating knowledge of the exchange visitor program and its regulations. In accordance with 62.5(c)(1) of the regulation, if the consortium is not a corporation (for example, is a partnership or other legal entity), please include the partnership agreement or other organizational documents with the application (e.g., Articles of Incorporation and By-Laws). Provide evidence of accreditation for all participating institutions of the consortium (all members of the consortium must be accredited), and indicate which member institutions have their own exchange visitor program designation.

SECTION II - PROGRAM DATA

Item 7 - Purpose or Objective

Provide information regarding the program proposal and objectives, and explain how the program proposal will promote better understanding and improve communications between people in the United States and other nations of the world through international educational and cultural exchange.

Item 8 - Outline of Proposed Activities

Provide an outline of proposed cross-cultural activities for each category requested in Item 5. While there is no set number of such activities required, sponsors are required to offer a reasonable amount of cross-cultural activities, including sports, cultural and social activities. Please state the various cross-cultural activities planned to acquaint the participant with American society, culture, and institutions. Due to the nature of the short-term scholar category, such cross-cultural activities are encouraged but not required.

Item 9 - Arrangements for Supervision

Give the following information regarding the supervision, direction, evaluation, and monitoring of the programs (62.10):

a. What provisions have been made for the supervision, evaluation, and monitoring of the participants and host families, if applicable?

<u>Secondary School Programs</u>: Also include information on the approximate ratio of sponsor representatives to students within the 150 mile radius specified by regulations 62.25(d)(2).

b. Can participants contact the sponsor without difficulty in cases of emergency? Give details.

c. Provide details regarding where participants will stay while in the United States. Include information on arrangements or procedures to be used to place prospective participants in private homes, if applicable.

<u>Secondary School Programs</u>: Include information/details on host family screening, selection and placement as specified by regulations 62.25(j) and 62.25(l). In addition, provide a copy of your organization's **host family application** for the prospective exchange visitor program.

- d. If there are written descriptive materials which define precisely the purpose and objectives of the program, as well, as the financial arrangements under which it is to be administered, please enclose a copy with the application. Post-secondary educational institutions shall include a copy of any current agreements, if applicable.
- e. Explain how the sponsor will control and safeguard the **DS-2019 Forms**. <u>If you are applying as a consortium</u>, explain in detail how the **DS-2019 Forms** will be disbursed to members.

Item 10 - Role of Other Organizations Associated with Program (if any)

Provide a list of the names, addresses of your organization's **foreign affiliates/partners/offices** and the names of their key officers who may be associated with the overall administration of the program. In addition, include a list of **domestic affiliated organizations and companies** with whom your organization is cooperating in exchange activities. Please advise if any of these organizations have their own designations to carry out an exchange program.

SECTION III - CERTIFICATION

Item 11 - Citizenship Certification of Organization and Responsible Officer and Alternate Responsible Officer(s) (62.2, 62.3, and 62.5).

Page 1 of the application (Form DS-3036) must be completed by the proposed Responsible Officer (RO). The proposed Alternate Responsible Officer(s) must complete the enclosed Citizenship Certification as referenced in Appendix A of the regulations. Forms DS-3036 and the Citizen Certification must be notarized.

Item 12

- a. The application shall be signed and dated by the Responsible Officer. Please sign and type (or print) full name.
- b. The application shall be signed and dated by the Chief Executive Officer (or equivalent). Please sign and type (or print) full name. The Chief Executive Officer's signature also certifies that the Responsible Officer will be provided sufficient staff and resources to fulfill his/her duties and obligations on behalf of the sponsor.

ADDITIONAL DOCUMENTATION AND INFORMATION TO BE FORWARDED WITH APPLICATION FOR DESIGNATION (62.5)

- 1. Previous Experience To adequately demonstrate the ability to administer an exchange program, please provide biographical information (resume or curriculum vitae) for the proposed Responsible and Alternate Responsible Officers. The Department requires that the organization or the Responsible Officer provide proof of having run a successful business, including a minimum of one-year experience in international exchange. Please provide details on experience in the selection, screening, orientation, placement or oversight of foreign nationals in exchange activities. The act of securing visas in itself does not adequately demonstrate the ability to administer an exchange program. The information provided should also specify the different types of visas that were used to carry out the international exchange.
- Financial Requirements Designated programs range in size from five exchange visitors to thousands depending on the category, and the sponsoring organization. Thus, in accordance with published regulations, a sponsor must demonstrate its ability to meet at all times the financial obligations and responsibilities attendant to successful sponsorship of exchange visitors.

It has been a long-standing policy in the administration of the Exchange Visitor Program to require applicants to provide a recent audit (audited financial statements) in order to satisfy this regulatory requirement. See 22 CFR 62.9(e)(2). A copy of a current audit report with "audit notes" by an Independent Certified Public Accounting Firm is needed for review, if the institution/organization is not supported by the Federal or State government. This audit would consist of a report from an independent Certified Public Accounting firm and audited financial statements (a balance sheet, statement of changes in fund balances, statement of current funds revenues, expenditures and other changes, and notes to financial statements).

- 3. A true copy of the **Articles of Incorporation**, **By-Laws**, **State Charter**, and a <u>current</u> **Certificate of Good Standing**, as applicable.
- 4. Copies of appropriate licenses required by the Federal and State government, if applicable.
- 5. **Evidence of Accreditation** by an established accrediting agency, if applicable. High School and/or High School District applicants must submit a copy of the most recent letter of accreditation for the school(s) receiving prospective exchange visitors.
- 6. **Evidence of tax exempt status** under Section 501(c)(3) of the Internal Revenue Service Code (Federal Government), if applicable.
- 7. **Certification of Sponsors** as set forth in Appendix A to Part 62. This document must be notarized.
- 8. **Reciprocity** Describe the reciprocal component of the program.
- 9. **Staff** Provide a list of the staff to be assigned to administer the exchange program or the hierarchical organization of the staff.

ADDENDEM: TRAINING CHECKLIST

The following additional information is required of all training programs. The specific regulations governing the trainee category can be found at 22 CFR 62.22.

1. Determine whether the proposed training is for a *specialty* or *skilled non-specialty* occupation.

Specialty Occupation - An occupation in which the participant possesses theoretical knowledge and practical experience in a highly specialized field. The minimum competency requirement to participate in this type of training requires the completion of an academic degree or a recognized professional certificate.

Skilled Non-Specialty Occupation - An occupation in which the participant must possess at least two years previous education or experience.

NOTE: The J visa CANNOT not be used for Clinical training or training in Unskilled Occupations (See Appendix E of the regulations for a list of unskilled occupations).

- 2. Choose, from the list found at 22 CFR 52.22(c)(2), the broad occupational category or categories in which you propose to provide training. Identify, for each category selected, whether the training is specialty or skilled non-specialty (or both) and the duration of the training program being offered to exchange visitors in each occupational category selected.
- 3. Submit a generic training plan for each occupational category, training level (specialty or skilled non-specialty) and each training program duration (e.g. 6, 12, and 18 months) selected.

An acceptable generic training plan should reflect, a definite period of time and phases of training with specific training objectives in each phase. Each phase of training needs to build upon the previous phase. If both specialty and skilled non-specialty training is selected in a given occupational category, two separate training plans should be submitted. Each training plan must include, at a minimum, the following:

- a. A statement of the objectives of the training
- b. The skills to be imparted to the trainee
- c. A copy of the training syllabus or chronology
- d. A justification for on-the-job training
- e. A description of how the trainee will be supervised and evaluated

The **individual training plan** must be in place before the participant arrives in the United States to begin his or her program. The individual training plan is to be sent to the participant with the completed Form DS-2019.

- 4. Third Party Agreement If your organization plans to use a third party organization to provide the proposed training, a sample third party agreement must be provided. This agreement must be in writing and is not limited to, but must: 1) delineate the respective obligations and duties of both the designated program sponsor (yourself) and the third party organization; and 2) specifically recite the third party's obligation to act in accordance with the Exchange Visitor Program Regulations.
- 5. Name, address and telephone numbers of the 3rd party organization(s)
- 6. A copy of the forms to be used in conducting the midpoint and concluding evaluation.
- 7. Notarized Certification of Training As set forth in 62.22(f)(4)(i-iii)
- 8. Written confirmation that potential trainees will be provided with the following general pre-arrival information (62.10):
 - a. A written statement that clearly states the stipend, if any, to be paid to the trainee.
 - b. The costs and fees for which the trainee will be obligated.
 - c. An estimate of the living expenses during the duration of the trainees stay.
 - d. A summary of the training program that recites the training objectives and all significant components of the training program.

FLIGHT TRAINING (22CFR 62.22(n))

Submit:

1. FAA Certificate (22CFR 62.22(n)(1)(i)

All ratings for flight training must be provided under FAA Part 141 including the Airline Transport Pilot Certificate (ATP). If your flight school does not have the ATP rating on the FAA Certificate, the alternative option would be an eighteen (18) month program as this should be sufficient time to complete all ratings. It is the Department's understanding that 24 months may be necessary to attain the ATP Certificate.

2. Accreditation (22CFR 62.22(n)(1)(ii) and (iii))

Programs must either be accredited by an accrediting agency as specified in this section or have formally commenced the accreditation process. A copy of the accreditation application marked "received" from the accrediting commission or another type of receipt of filing is sufficient to meet this requirement. Please note: accreditation must be received within 12 months after the date of the designation letter. Failure to attain accreditation will result in automatic termination of a designated exchange program.

3. <u>I-20 Authorization Letter</u> from the Immigration and Naturalization Service (INS) to illustrate prior experience in administering international exchanges.